

Appl. No.: 10/776,653
Amdt. dated 11/23/2004
Reply to Office action of August 23, 2004

REMARKS/ARGUMENTS

This is further to the Official Action mailed August 23, 2004.

Obviousness-Type Double Patenting Rejection

In the Official Action mailed August 23, 2004, the only objection was to Claims 1-46 under double patenting. As may be seen, this objection is being addressed by the filing of a Terminal Disclaimer filed concurrently herewith.

Submission of IDS

An IDS is submitted concurrently herewith, citing all the art in the parent application.

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Minor Amendment to Claim 11

In the current amendment, only the Previously Presented Claim 11 has been amended by replacing "at least two of said sensors" to "they" in Step (B) and deleting "two" in Step (D). Claim 11 reads as follows, with amendments shown according to the rules and additional highlighting shown for the benefit of the Examiner:

11. (Currently Amended) A method of evaluating the physical characteristics of parcels being conveyed along a conveying path, said method comprising the steps of:

A) defining a flexibility standard distinguishing more flexible parcels from less flexible parcels;

B) positioning a plurality of sensors proximate a portion of said conveying path, said sensors positioned such that if ~~at least two of said sensors~~ they can all sense a portion of a given parcel at the same time said parcel passes along said conveying path portion, said parcel is considered more flexible under said flexibility standard, but if all said sensors cannot sense a portion of a given parcel at the same time said parcel passes along said conveying path portion, said parcel is considered less flexible under said flexibility standard;

C) conveying a parcel along said conveying path portion while sensing said parcel with said plurality of sensors; and

D) based upon the sensation of said parcel by said ~~two~~ sensors in step "C", making a determination of whether said parcel is more flexible or less flexible under said flexibility standard, and

E) based upon the sensation of said parcel by at least one of said sensors in step "C", making a tilting determination for a less flexible parcel.

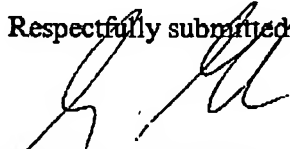
As may be seen, the amendments revert to the language used earlier in Step (B) and Step (D) in Claim 11 of the parent application's issued patent. However, as noted in the Preliminary Amendment filed earlier in the current application, this Claim has an additional limitation "E" that is not present in Claim 11 of the parent application's issued patent. The claim is respectfully

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submitted as still allowable. The Examiner is welcome to contact the undersigned for any questions or comments.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

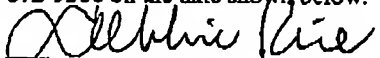
Respectfully submitted,


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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.


Debbie Rice

November 23, 2004
Date